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Mr Kannan

By email only to: [request-1175057-1cbe2493@whatdotheyknow.com](mailto:request-1175057-1cbe2493@whatdotheyknow.com)

1<sup>st</sup> October 2024

Dear Mr Kannan,

**Request for information under the Freedom of Information Act 2000 (“the Act”)**

Further to your recent request for information held by King’s College London, I am writing to confirm that the requested information is held in part the university.

**Your request**

We received your information request on 15<sup>th</sup> September 2024 and have treated it as a request for information made under section 1(1) of the Act.

You requested the following information:

*Can you release all of the past exam papers taken by Physics undergraduates for the years 2017-2023. If possible could you also send the examiner's reports/model answers.*

**Our response**

The University can confirm it holds past exam papers, however, this information has been withheld in accordance with section 43(2) of the Freedom of Information Act – Commercial Interests.

This information constitutes substantially the ‘assets’ that make up our degree programmes. As the University’s teaching and academic reputation, on which student recruitment is largely based, is founded on the production of world-class module content and rigorous assessment; teaching and assessment materials produced by an HEI for a degree course can be considered commercial assets. Even course content from discontinued modules still has an association with the University’s reputation and a

secondary use in informing current programmes and assessment, which mean this information retains commercial value long after its primary function has passed.

The University believes disclosure of the requested information would prejudice the University's commercial interests by giving an unfair advantage to its competitors and by devaluing the University's own assets. Universities are required to operate in a highly competitive global market with other HEIs and, if disclosed, the requested information would be freely exploited by the University's competitors to modify their own teaching and assessment in response. Publication to the world would also dilute the value of the University's assets: individuals may believe they can obtain a similar level of education through use of the materials alone, prejudicing student recruitment.

The University acknowledges that there is always inherent public interest in transparent practice, and in the public being able to judge the validity of the course content and assessment offered by HEIs. However, as a public authority in receipt of public funds, the University must also consider the weight of public interest in ensuring the use of public funds efficiently, through maintaining its ability to operate competitively and generate income. A significant amount of time and resource is devoted to producing these assets, they are a core commercial asset of the University on which student recruitment and retention are based, therefore on this occasion we find the public interest favours withholding the information.

Moreover, the ICO has found that such reports are commercially sensitive, as in decision notice FS50866848, available here: <https://ico.org.uk/media/action-weve-taken/decision-notice/2020/2617272/fs50866848.pdf>. The arguments set out in this decision also apply here.

This completes the university's response to your information request.

### **Your right to complain**

If you are unhappy with the service you have received in relation to your information request or feel that it has not been properly handled you have the right to complain or request a review of our decision by contacting the Director of Information Governance & Data Protection Officer within 60 days of the date of this letter.

Further information about our internal complaints procedure is available at the link below: <https://www.kcl.ac.uk/policyhub/freedom-of-information-policy>

In the event that you are not content with the outcome of your complaint you may apply to the Information Commissioner for a decision. Generally, the Information Commissioner cannot make a decision unless you have exhausted the internal complaints procedure provided by King's College London.

The Information Commissioner can be contacted at the following address:  
The Information Commissioner's Office  
Wycliffe House  
Water Lane

Wilmslow  
Cheshire  
SK9 5AF

Yours sincerely,

**Lakeisha Dowsey-Magog**  
Information Compliance